

REMARKS

Claims 1-3, 5-14 and 16-24 are pending in the application.

Claims 1-3, 5-14 and 16-24 are rejected.

Claims 1-3, 5-14 and 16-24 have been canceled.

Claims 25-34 have been added.

All amendments and remarks are made in a good faith effort to advance the prosecution on the merits.

Applicant reserves the right subsequently to take up prosecution on the claims as originally filed in this or appropriate continuation, continuation-in-part and/or divisional applications.

Applicant respectfully requests that the amendments submitted herein be entered, and further requests reconsideration in light of the amendments and remarks contained herein.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 5-14 and 16-24 are presented for examination.

Claims 1-3, 5-14 and 16-24 are rejected under 35 U.S.C. §103 as being unpatentable over Barrus US Pat. No. 5,958,058 in view of Fanning et al [Fanning] US Pat. No. 6330639.

Claims 1-3, 5-14 and 16-24 have been canceled.

The Examiner writes:

"In the remarks, applicants argued in substance that both Barrus and Fanning do not include the ability for the user to specify a power performance level for memory as required in the limitations of amended claims 1 and 12.

As stated in the previous office action, Barrus teaches adjusting performance levels of computer hardware devices in response to a user input [col. 1 lines 40-51, col. 3 lines 11-22 and col. 4 lines 49-61]. In summary, a user specifies the

performance levels of devices in order to adjust the power consumption of those devices so that power consumption of a system can be managed. Barrus though does not explicitly teach that a user can specify the power/performance level for memory.

Fanning teaches arranging memory into at least one memory pooling profile and that by arranging the memory devices into profiles, power consumption levels can be controlled [col. 2, lines 60-64, col. 8, lines 44-50 and 55-62]. It was argued that it would have been obvious to one of ordinary skill in the art to modify Barrus by allowing the user to specify at least one memory pooling profile as taught by Fanning because it provides further means to manage power in a system. It should easily be seen that in the Barrus-Fanning system does teach the ability for the user to specify a power performance level for memory.

It should be apparent that in the Barrus-Fanning system that the memory devices would be pooled in response to either the user selecting a power performance level which selects a pooling profile or by specifying at least one application program to be run which would select a pooling profile as is required in claims 1 and 12 respectfully."

Claims 1 and 12 have been canceled.

Claim Rejections - 35 U.S.C. § 112

The Examiner writes:

"Claims 1 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear if the user input recalling the at least one memory pooling profile and the user input specifying the at least one power/performance level are different inputs or the same."

Claims 1 and 12 have been canceled.

Referring to claim 1, the Examiner writes:

"Barrus teaches the invention substantially including adjusting the performance levels of computer hardware devices in response to a user input [col. 1, lines 40-51]. Barrus

does not though expressly teach that these devices could comprise memory devices arranged into at least one memory pooling profile.

Fanning teaches arranging memory into at least one memory pooling profile [col. 8, lines 44-50 and 55-62]. Although Barrus does not explicitly teach pooling memory devices in response to a user input, it is suggested through the teaching of 'a power management utility program that allows the user to manually adjust and set the performance levels of various hardware devices' [col. 1, lines 40-50]. The final goal of this power management utility is ultimately to allow the user to adjust the hardware settings to coincide with the desired power management scheme desired by the user. It would have been obvious to one of ordinary skill in the art to modify Barrus by allowing the user to recall at least one memory pooling profile because Fanning teaches that it would allow the user to further manage the memory devices which would have an effect on the power management [col. 2, lines 60-64].

In addition, Barrus further teaches accepting the user input specifying at least one power/performance level [col. 3, lines 23-28]."

Claim 1 has been canceled.

Referring to claim 12, the Examiner writes:

"Barrus teaches the invention substantially including adjusting the performance levels of computer hardware devices in response to a user input [col. 1, lines 40-51]. Barrus does not though expressly teach that these devices could comprise memory devices arranged into at least one memory pooling profile.

Fanning teaches arranging memory into at least one memory pooling profile [col. 8, lines 44-50 and 55-62]. Although Barrus does not explicitly teach pooling memory devices in response to a user input, it is suggested through the teaching of 'a power management utility program that allows the user to manually adjust and set the performance levels of various hardware devices' [col. 1, lines 40-50]. The final goal of this power management utility is ultimately to allow the user to adjust the hardware settings to coincide with the desired power management scheme desired by the user. It would have been obvious to one of ordinary skill in the art to modify Barrus by allowing the user to recall at least one memory pooling profile

because Fanning teaches that it would allow the user to further manage the memory devices which would have an effect on the power management [col. 2, lines 60-64].

In addition, Barrus further teaches accepting the user input specifying at least one application program to be run [col. 3, lines 11-22 and col. 4, lines 49-61]."

Claim 12 has been canceled.

SUMMARY

In light of the above remarks and amendments, reconsideration and withdrawal of the outstanding rejections, as well as consideration of the new claims, are respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile or electronic mail, as below.

Applicant believes that there are no fees due in association with this filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for any extensions of time, Applicant respectfully requests that the Commissioner accept this a Petition Therefor, and directs that any fees be charged to Baker Botts L.L.P. **Deposit Account No. 02-0383, Order Number 016295.1120.**

Respectfully submitted,

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DATE: November 24, 2003